

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

COMES NOW, Ken Therrien, the attorney for the defendant Michael John Scott and moves the court for an order continuing the trial date from November 1, 2021 to next available trial date after March 21, 2022. This motion is based upon the files and records herein and the Declaration of Counsel filed herewith.

MOTION AND DECLARATION TO CONTINUE PRE-TRIAL CONFERENCE, TRIAL DATE, AND PRETRIAL DEADLINES

Page 1

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2 **DECLARATION**

3 Ken Therrien upon oath deposes and states:

4 I am the Attorney for the defendant, Michael Scott. Mr. Scott was
5 Indicted for these charges on August 11, 2021. Mr. Scott was arraigned on
6 August 26, 2021. I was appointed to represent Mr. Scott August 26, 2021).
7 The trial date in this matter is presently set for November 1, 2021.

8 Counsel for Mr. Scott is requesting a continuance of the trial date
9 and time to file Pre-Trial Motions. The trial date that is requested is the next
10 available trial date after March 21, 2022 The Declarant has been contacted
11 by the Government and they have no objection to this continuance request.

12 On September 1, 2021 the declarant had a pre-planned trip
13 back to the East Coast for a family wedding scheduled for September 1-9
14 2021. Just prior to leaving the declarant's legal assistant began her
15 preplanned maternity leave on August 27, 2021 rather than September 1,
16 2021 as originally intended.

17 On September 13, 2021, went back to work and attempted to catch up
18 the work that was missed. The replacement temp- that the Declarant had
19 hired and trained since mid-August 2021 did not work out and had to be
20 released from the declarant's employment.

21 When the declarant was in the process of reviewing pending deadlines
22 he discovered that the time to file pre-trial motions on September 16, 2021
23 had passed. The declarant in an email dated September 23, 2021 notified the
24 Government of this situation and his intent to ask for a continuance. The
25 declarant also has a First-Degree Murder trial scheduled for October 18,
26 2021 that is expect to last 2-3 weeks.

27 The Declarant has spoken with Michael Scott about the continuance
28 request and Mr. Scott has no objection to the continuance request.

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31 Page 2

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3 Dated this 27th day of September 2021.
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6

/s/ Ken Therrien

KEN THERRIEN, WSBA #20291
Attorney for Defendant

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11 **CERTIFICATE OF SERVICE**

12 I hereby certify under penalty of perjury of the laws of the State of Washington that on
13 September 27, 2021, I electronically filed the foregoing with the Clerk of the Court
14 using the CM/ECF System which will send notification of such filing to the following:
15

16
17 • Karyn S. Johnson, Assistant United States Attorney
18 • Kristine Foerster, Assistant United States Attorney

19 *s/ Ken Therrien*

20 KEN THERRIEN, WSBA #20291
21 Attorney for Michael John Scott
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31 Page 3

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